

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

EDWARD BERNARD BURGESS, JR.,

Plaintiff,

v.

Case No. 19-cv-1901-pp

OFFICER RICHARD LITWIN, *et al.*,

Defendants.

**ORDER DISMISSING CASE WITH PREJUDICE FOR PLAINTIFF'S
MISREPRESENTATIONS TO THE COURT**

On January 26, 2021, the court concluded that plaintiff Edward Bernard Burgess, Jr., had misrepresented his financial status to the court and determined that sanctions were warranted under Federal Rule of Civil Procedure 11. Dkt. No. 20. The court ordered that by the end of the day on March 5, 2021, the plaintiff must explain in writing why the court should not dismiss the case as an appropriate sanction for those misrepresentations. Id. at 10. The court explained that it would not extend the deadline for the plaintiff to respond and that if it did not receive the plaintiff's response by March 5, 2021, it would dismiss this case with prejudice. Id. at 10–11.

The March 5, 2021 deadline has passed, and the plaintiff has not responded to the court's order. The court sent the January 26, 2021 order to the plaintiff at Cimarron Correctional Facility, 3200 S. Kings Hwy., Cushing, Oklahoma 14023. This is the last address the court had for the plaintiff, and the address he gave the court in a letter it received from him on January 11,

2021, asking the court to appoint a lawyer for him. Dkt. No. 19. The court has not received a change-of-address notice from the plaintiff since then, and the Bureau of Prisons web site does not yet show him at a BOP facility. The court has no reason to believe the plaintiff is not still at Cimarron.

The court will enforce its January 26, 2021 order and will dismiss this case with prejudice as a sanction for the plaintiff's misrepresentations to the court.

The court **ORDERS** that this case is **DISMISSED WITH PREJUDICE** for the plaintiff's misrepresentations to the court. See Fed. R. Civ. P. 11(b), (c). The clerk will enter judgment accordingly.

Dated at Milwaukee, Wisconsin this 15th day of March, 2021.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge